

Remarks

Claims 1, 2 and 4-21 were pending.

Claims 1, 2, 4 and 21 are amended.

Claims 5, 9, 11 and 12 are cancelled.

Claims 7, 8, 19 and 20 are withdrawn.

Claims 6, 8, 10 and 13-18 are as previously presented.

Claims 23-25 are new.

The application now contains claims 1, 2, 4, 6-8, 10, 13-21 and 23-25.

Claim 1 is amended to incorporate the limitations of claim 11 regarding the identity of the cationic monomer, claim 12 regarding the non-ionic monomer except that n-vinyl pyrrollidones are excluded, and claim 2 regarding particle size and to delete the word optionally at the beginning of the definition of component b).

Claims 2 and 4 are amended to delete the first word replace the initial words in line 1, "Aqueous compositions" with "Fabric softener composition". Support is found in claim 1.

Claim 2 is also amended to delete the number "10" near the end of the claim and insert in its stead the number "50". Support is found in the specification on page 2 line 3.

Claim 21 is amended to delete the word optionally at the beginning of the definition of components c) and d).

Support for new claims 23-25 is found in claims 19-21, claim 2 and in the specification on page 2 line 3.

No new matter is added.

Rejections

Claims 1, 9-14 and 16-18 are rejected under 35 USC 102(e) as being anticipated by Smith et.al., US 6,864,223 which discloses a fabric softener composition comprising a polymer prepared from a cationic monomer, acrylamide and 70-300 ppm of a crosslinker.

Applicants respectfully traverse the rejections.

The instant amendments require that the polymer "in the form of particles has an average particle size of more than 10µm" and that the polymer has less than 5 ppm crosslinker. Smith discloses a polymer that has much more crosslinker and is silent regarding particle size.

Applicants therefore respectfully aver that no anticipation exists and kindly ask that the rejections under 35 USC 102(e) over Smith et.al., US 6,864,223 be withdrawn.

Claims 1, 9-18 and 21 are rejected under 35 USC 102(b) as being anticipated by Biggin et. al., US 5,114,600 which discloses a fabric softener composition comprising a polymer prepared from a cationic monomer, acrylamide and 5-45 ppm of a crosslinker.

Applicants respectfully traverse the rejections.

As stated above, the instant amendments require that the polymer "in the form of particles has an average particle size of more than 10µm" and that the polymer has less than 5 ppm crosslinker.

Biggin explicitly teaches that "The cationic polymer must be added while in the form of particles below 10 micrometers in size, and preferably below 2 micrometers in size", column 3 lines 28-30. Biggin therefore discloses smaller particle sizes and larger amounts of cross-linker than the instant polymers.

Applicants therefore respectfully aver that no anticipation exists and kindly ask that the rejections under 35 USC 102(b) over Biggin et. al., US 5,114,600 be withdrawn.

Claims 1, 9, 11-14, 16-18 and 21 are rejected under 35 USC 102(b) as being anticipated by EP 0 494 554 which discloses a fabric softener composition comprising a polymer prepared from a cationic monomer, acrylamide and 100 ppm of a crosslinker.

Applicants respectfully traverse the rejections.

Again Applicants respectfully point to the instant amendments to claim 1 which require that less than 5 ppm crosslinker be present.

Applicants therefore respectfully aver that no anticipation exists and kindly ask that the rejections under 35 USC 102(b) over EP 0 494 554 be withdrawn.

Claims 2, and 4-6 are rejected under 35 USC 103(a) as being obvious over Smith, Biggin or EP 0 494 554 above as the Examiner finds that adjusting the particle size of the polymer is simply the discovery of a optimum value of a result effective variable and is well within the skill of the practitioner unless evidence showing unexpected results is provided.

Applicants respectfully traverse the rejections.

Regarding the particle size of the polymer, Applicants respectfully point out that Biggin explicitly teaches that "The cationic polymer must be added while in the form of particles below 10 micrometers in size, and preferably below 2 micrometers in size", column 3 lines 28-30. Hence, there is a clear teaching in the art that smaller sizes are preferred. Applicants suggest that there is something about the instant polymers, perhaps the lower level of crosslinker, that allows the instant polymers to be effective at this smaller particle size.

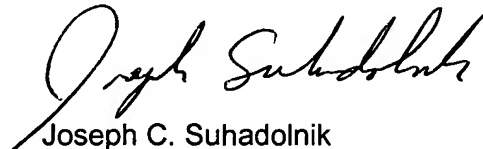
Applicants further note that the instant polymers must have less than 5 ppm cross linker. Thus, the combined art fails to meet either the limitation regarding particle size or the limitation regarding cross linker.

Applicants therefore respectfully submit that the present rejections under 35 USC 103(a) are addressed and are overcome and kindly ask that they be withdrawn.

In light of the above amendments and discussion above, Applicants respectfully submit that all rejections are addressed and are overcome and kindly ask that the rejections be withdrawn and that claims 1, 2, 4, 6, 9, 10, 13-18 and 21, and new claim 25, be found allowable. Applicants also kindly ask that upon finding said claims novel and non-obvious that withdrawn claims 7, 8, 19 and 20 and new claims 23 and 24 be rejoined and also found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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